



Juvenile justice policy in flux

Fear of losing jobs by closing upstate youth facilities keeps them open -- at a hefty price

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MASONVILLE -- Nestled in a wooded plot about 100 miles west of Albany, Brace Residential Center looks like a summer camp in winter. The neatly made bunks are unslept-in, the mess hall deserted and the only sounds are the quiet bustle of administrators, the buzz of maintenance, and the wind whipping through the tall pines that surround the building.

But Brace isn't a summer camp waiting for warmer days. It's a nearly empty juvenile detention center, with just two residents served by a staff of 33 state workers.

The center, at which kids stay in between incarceration and their return home, is a remnant of a juvenile justice policy that has shifted from locking up youngsters far from home to putting them in more effective community-based programs.

Brace is also an example of the conflict between governance and politics, particularly in the state Senate. Upstate Republican senators, backed by generous state union campaign contributions and facing re-election this year, strongly resist closing such facilities and the loss of jobs in their districts.

In January, Brace and five other underutilized juvenile detention facilities were slated for closure, downsizing or restructuring by the New York State Office of Children and Family Services. Also on the list are Gloversville Group Home in Fulton County, which has been empty for over a year, and Auburn Residential Center in Cayuga County, which recently became empty. Both remain fully staffed. Great Valley Residential Center in Cattaraugus County has 10 kids, but 15 empty beds.

Every empty bed costs the state between \$120,000 and \$200,000 per year, according to OCFS. The state estimates that closing Brace alone would save \$1.5 million, while the closings would save \$16 million or more overall this coming year.

OCFS says it will preserve jobs for those affected by the closures, either by reassigning them to other parts of the state, or to other departments.

The Senate, however, passed a budget that prohibits closing Brace, Auburn and Great Valley.

The number of kids in OCFS facilities has been declining steadily, from 2,223 in 2000 to 1,218 as of last week.

Family courts, where most youth cases are adjudicated, have been increasingly sending children to programs in which, instead of being incarcerated, children can live at home and receive treatment and services at home or in community centers. Both OCFS and counties have been pushing to increase the capacity of these programs, primarily in New York City, home to 70 percent of the youths in the system.

In the past, judges faced a dilemma in dealing with children convicted of nonviolent, misdemeanor offenses. They could put them on probation, let them stay at home and hope for the best, or send them to juvenile facilities away from home.

Those left at home often had few if any services to help address the root causes of their misconduct. If they violated probation, they'd be sent away, often to facilities upstate.

Over the past decade, programs have been developed to rehabilitate low-level offenders using intensive, home-based therapies.

These programs are significantly less expensive -- around \$20,000 per child a year -- and much more effective. Studies in New York City put the recidivism rate at around 17 percent to 30 percent over varying periods of time. For youngsters in OCFS custody, the recidivism rate is 80 percent within three years.

This isn't to say there aren't successes in the incarceration model. One young man who spent 11 months at a low-security facility and is now completing his sentence at Brace earned his GED and plans to join ROTC and attend college. He said his one year away from home, about 30 minutes away from Brace, was transformative.

"I have my priorities straight now," he said, adding that the Brace staff has helped him to reach his goals. "They helped me go to college, asked questions I didn't even know to ask with the ROTC. They even helped me with my relationship with my dad -- to talk without being angry."

He worries sometimes about falling into his old bad habits and wishes he could take the services he got at Brace home.

"I would move Brace right in the cornfield next door," he said. "I'd still be free, but I could go over and get help."

Giving services to kids at home is the point, according to OCFS Commissioner Gladys Carrion.

"The fact is that these kids are going back to their communities and we need to work with them in their communities, because the kids come back to the same problems, and we have to really engage the families," said Carrion.

The Senate majority says it isn't flatly against closing underused facilities. Nor is it publicly using economic development as an argument for keeping these centers open, although privately senators raise the issue.

"In the past, we have accepted some of the closure recommendations and rejected others based on issues such as capacity and availability of community-based alternatives," said Scott Reif, spokesman for Senate Majority Leader Joseph L. Bruno.

Reif said the Senate, which opposed closing Gloversville last year, is not opposing it now. However, Reif did not respond when asked if the Senate would support closing Auburn now that it's empty.

Sen. Cathy Young, R-Olean, whose district includes Great Valley, declined a request for comment.

Sen. John Bonacic, R-Mount Hope, whose district includes Brace and who opposes the closure, denied a request for an interview. He issued a statement saying, in part, "The reality is keeping Brace open or closed should not be about a numbers game -- it should be about the young people. I have visited the Brace facility and good work is being done there."

The divide on the issue appears to be partisan. Democratic Sen. David Valesky, D-Oneida, whose district includes Auburn, has said he doesn't oppose the closure. Sen. Michael Nozzolio, R-Seneca Falls, whose district is adjacent to Valesky, has strongly opposed the closures. He was unavailable for comment despite repeated requests.

Nozzolio and Young have each received thousands of dollars of campaign donations from the Civil Service Employees Association and Public Employees Federation, unions that represent the workers at the facilities and are actively fighting the closings. Valesky received \$750 from PEF over the past two years.

Additionally, Assembly Democrats aren't opposing the closures, said Assemblyman William Scarborough, D-Jamaica, who chairs the Children and Families committee. Scarborough said he appreciates economic worries, but, "I'm concerned when it is tied to the incarceration of young people -- it seems to me that we need to work collectively to develop ways to develop economic priorities.

"It is much more difficult to justify spending this kind of money at a time when we're facing a budget deficit that was originally tagged at \$4.4 billion and has only gotten larger," he said.

Child and juvenile justice advocates agree with the proposed closures and say the Senate is putting upstate development and jobs over what is best for youth.

"It comes down to the fact that these facilities have become economic development engines for upstate New York," said Mishi Faruqee, juvenile justice coordinator at the Correctional Association, a nonprofit advocacy group. "We can't be providing jobs upstate on the backs of New York City's children. It is an untenable situation, and immoral, I think, to be sending them just to preserve jobs, when we know that these evidence-based, community-based programs have better outcomes."

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